

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

CGG 18-022004
LOGS Legal Group LLP
14000 Commerce Parkway, Suite B
Mount Laurel, NJ 08054
(856) 793-3080
Elizabeth L. Wassall, Esq. 023211995
ATTORNEYS FOR WILMINGTON SAVINGS FUND
SOCIETY, FSB, AS TRUSTEE OF STANWICH
MORTGAGE LOAN TRUST I

In Re:

KEITH R. DEVAN AND CASSANDRA JONES DEVAN,
DEBTORS

Case No.: 18-14904-ABA

Judge: HONORABLE ANDREW B.
ALTENBURG, JR.

Chapter: 13

**NOTICE OF OBJECTION TO DEBTORS' MOTION TO CANCEL
AND DISCHARGE MORTGAGE**

The undersigned, LOGS Legal Group LLP, attorneys for the Secured Creditor, WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST I, the holder of a Mortgage on Debtors' property located at 112 N. King Street, Magnolia, NJ 08049, hereby objects to the Debtors' Motion to Cancel and Discharge Mortgage, ECF# 94, on the following grounds:

- 1) On May 11, 2018, Secured Creditor filed Proof of Claim No. 4, outlining a total debt amount of \$203,521.13 and pre-petition arrears of \$68,159.94 owing on its mortgage lien.
- 2) On October 23, 2018, a Consent Order resolving objection to confirmation of plan was entered, ECF# 49, for cram-down of Secured Creditor's claim to \$125,000.00 at 5.75% interest.
- 3) On July 2, 2019, a Consent Order was entered, ECF# 68, which vacated the prior cram-down Consent Order at ECF# 49, and the Secured Creditor's claim reverted to the original amount(s) listed in the Proof of Claim No. 4 as filed on May 11, 2018.

4) On March 28, 2023, Secured Creditor filed a Response to Notice of Final Cure, outlining that total of \$10,490.25 remains outstanding on the mortgage lien for delinquent post-petition payments and unpaid filed Notice(s) of Postpetition Mortgage Fees, Expenses and Charges.

5) Debtors' instant Motion to Cancel and Discharge Mortgage is improper, as the mortgage is not current and a total of \$10,490.25 remains outstanding, and the Motion must be denied.

WHEREFORE, Secured Creditor, WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST I, respectfully requests that the Debtors' Motion to Cancel and Discharge Mortgage be Denied.

LOGS LEGAL GROUP LLP

By: /s/Elizabeth L. Wassall
Elizabeth L. Wassall, Esquire

Dated: 4-18-2023

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CERTIFICATION OF SERVICE

I, _____ the undersigned

1. ☐ represent the _____ in the above-captioned matter.
☒ am the secretary/paralegal for Kathleen M. Magoon, Esquire and Elizabeth L. Wassall, Esquire, who represents the Secured Creditor in the above-captioned matter.
☐ am the _____ in the above case and am representing myself.
2. On _____, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:
 - Notice of Objection to Motion to Cancel and Discharge Mortgage.
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Signature

Dated: 4/18/2023

/s/ Alice Cruzado

Printed Name

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Robert H. Johnson Robert H. Johnson, LLC 1818 Old Cuthbert Road Suite 107 Cherry Hill, NJ 08034		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Keith R. DeVan and Cassandra Jones DeVan 80 Penfield Lane Sicklerville, NJ 08081		<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
		<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.